

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In re:

EDRIE A. PFEIFFER, ESQUIRE.

Miscellaneous Proceeding 16-00703-SCS

ORDER RESOLVING ORDER TO SHOW CAUSE

This matter comes before the Court on the Court's Order to Show Cause Against Edrie A. Pfeiffer, Esquire ("Order to Show Cause"), issued September 27, 2016, which initiated the above-captioned adversary proceeding. A Preliminary Hearing on the Order to Show Cause was held on December 1, 2016. A Final Hearing on the Order to Show Cause was conducted on June 27, 2017. Ms. Pfeiffer, by her counsel, Bernard J. DiMuro, Esquire, timely filed a post-hearing brief on July 27, 2017. Oral argument was heard on August 30, 2017, which Ms. Pfeiffer attended with her counsel. During the oral argument, Mr. DiMuro requested a recess in the proceeding to allow him to consult with Ms. Pfeiffer regarding whether she wished to propose a resolution to the Court for its consideration. Tr. of Aug. 30, 2017 Oral Arg., at 16-17 (ECF No. 44). Upon resumption of the proceeding, Mr. DiMuro articulated Ms. Pfeiffer's proposed resolution of the Order to Show Cause. *See id.* at 18-22. The Court concluded the proceeding by requesting that Ms. Pfeiffer file her proposed resolution for the Court to consider; otherwise, the Court would take the matter under advisement. On September 19, 2017, Ms. Pfeiffer filed her Proposed Resolution of the Matter ("Proposed Resolution"), a copy of which is appended to this Order.¹ *See* Proposed Resolution, filed September 19, 2017 (ECF No. 48).

¹ On September 8, 2017, Ms. Pfeiffer submitted a proposal in writing, which she amended on September 11, 2017, to correct a typographical error. Suppl. Submission, filed Sept. 8, 2017 (ECF No. 42); Am. Suppl. Submission, filed Sept. 11, 2017 (ECF No. 43) (collectively, with the

Upon consideration of the Proposed Resolution, the Court finds it is consistent with her counsel's representations of the proposal made on the record at the hearing held August 30, 2017. The Court further finds that Ms. Pfeiffer's proposal should be accepted, with one minor alteration. Ms. Pfeiffer proposes to forfeit up to \$1,000.00 in Guardian *ad litem* fees from work performed in the Virginia state courts, and further proposes that, if she earns less than \$1,000.00 in Guardian *ad litem* fees, she would pay the difference into the registry of the Court or as the Court may otherwise direct. This Court does not wish to interfere with any proceedings or payments thereon conducted by its brethren on the Virginia state court benches. Instead, the Court finds that Ms. Pfeiffer should make a \$1,000.00 donation, within thirty (30) days of the date of entry of this order to the Legal Aid Society of Eastern Virginia.

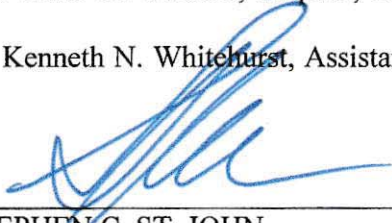
Accordingly, the Court ORDERS that the Order to Show Cause Against Edrie A. Pfeiffer, Esquire, issued September 27, 2016, is RESOLVED, subject to the conditions set forth in the Proposed Resolution, as modified as indicated above. First, the Court will defer ruling on the Order to Show Cause for six (6) months (the "Deferral Period"). Second, during the Deferral Period: (a) Ms. Pfeiffer will not file, in her name as counsel for the debtor, any bankruptcy petitions under any chapter of the United States Bankruptcy Code; (b) Ms. Pfeiffer will complete six (6) hours of Continuing Legal Education as certified by the Virginia State Bar in the areas of ethics, bankruptcy law, or law firm management, which hours shall be in addition to the twelve (12) hours per year of Continuing Legal Education required by the Rules of the Supreme Court of Virginia; (c) Ms. Pfeiffer will make a \$1,000.00 donation, within thirty (30) days of the date

original proposal, the "Submission."). The Submission failed to fully delineate all of the terms of the proposed resolution as represented by counsel for Ms. Pfeiffer on the record during the August 30, 2017 oral argument, and the Court rejected the Submission. *See Order Rejecting Submission*, at 1-2, entered Sept. 13, 2017 (ECF No. 45). The Court afforded Ms. Pfeiffer a final opportunity to submit her proposed resolution as delineated by her counsel in writing, *id.*, which resulted in the filing of the Proposed Resolution on September 19, 2017.

of entry of this order to the Legal Aid Society of Eastern Virginia, and file proof of such payment with the Court within seven (7) days after the payment is made; and (d) Ms. Pfeiffer will perform twelve (12) hours of community service to her church or to a similar organization. If, at the end of the Deferral Period, Ms. Pfeiffer certifies to the Court that each of the requirements of (a) through (d) have been completed, the Court will dismiss the Order to Show Cause. Finally, if, during the Deferral Period or thereafter, Ms. Pfeiffer is found, by a final, non-appealable order of the Virginia disciplinary authorities or a state or federal court, to have violated, during the Deferral Period, a Virginia Rule of Professional Conduct rising to the level of Rule 8.4 in that the conduct involves dishonesty, fraud, misrepresentation, or deceit, the Court will impose a six (6) month suspension of Ms. Pfeiffer's privilege to practice in the United States Bankruptcy Court for the Eastern District of Virginia.

The Clerk shall mail a copy of this Order to Edrie A. Pfeiffer, Esquire; Bernard J. DiMuro, counsel for Edrie A. Pfeiffer, Esquire; and to Kenneth N. Whitehurst, Assistant United States Trustee.

Entered: 9/21/17


STEPHEN C. ST. JOHN
Chief United States Bankruptcy Judge

Entered on Docket: 9/21/17

ATTACHMENT

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

IN RE:

EDRIE A. PFEIFFER, ESQUIRE

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) Misc. Proceeding 16-00703-SCS
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EDRIE A. PFEIFFER'S PROPOSED RESOLUTION OF THE MATTER

In response to this Court's Order of September 13, 2017, Edrie Pfeiffer, by counsel, respectfully submits the following proposal as an appropriate and fair resolution of this Court's order to cause:

1. The Court would defer a ruling on the order to show cause for six months ("the deferral period").
2. During the deferral period:
 - a. Ms. Pfeiffer will not file in her name as counsel for the debtor any bankruptcy petitions under any chapter of the U.S. Bankruptcy Code.
 - b. Ms. Pfeiffer will complete six hours of continuing legal education as certified by the Virginia State Bar in the areas of ethics, bankruptcy law, or law firm management which hours shall be in addition to the 12 hours per year of CLE required by the Rules of the Supreme Court of Virginia.¹
 - c. Ms. Pfeiffer will forfeit all Guardian *ad litem* fees that she otherwise would receive from the State of Virginia up to \$1,000; provided, however, if the amount of fees

¹ Upon further reflection by counsel, Ms. Pfeiffer has proposed that "law office management" be one of the potential CLE programs Ms. Pfeiffer could attend in place of counsel's prior suggestion that a law firm audit be conducted because this matter does not involve systematic problems within Ms. Pfeiffer's law offices, which is what a law firm audit addresses.

earned and forfeited do not total \$1,000 Ms. Pfeiffer will pay the difference into the registry of the Court or as the Court may otherwise direct.

d. Ms. Pfeiffer will perform 12 hours of community service to her church or to a similar organization.

3. If at the end of the deferral period Ms. Pfeiffer certifies to the Court that each of the requirements of ¶ 2 have been completed, the Court will dismiss the order to show cause.

4. If, during the deferral period or thereafter, Ms. Pfeiffer is found by a final non-appealable order of the Virginia disciplinary authorities or a state or federal court to have violated during the deferral period a Virginia Rule of Professional Conduct rising to the level of Rule 8.4 in that the conduct involves dishonesty, fraud, misrepresentation, or deceit, the Court will impose a six month suspension of Ms. Pfeiffer's privilege to practice in the U.S. Bankruptcy Court for the Eastern District of Virginia.

* * *

Ms. Pfeiffer appreciates the opportunity to present this proposed resolution of the matter to the Court. She believes that the proposal appropriately sets forth the terms and time periods delineated by her counsel at the hearing on August 30, 2017, with the minor modification as to a law firm audit. As conveyed at that hearing, Mr. Pfeiffer sincerely regrets the circumstances that lead to this Court's issuance of the show cause. Ms. Pfeiffer did not intend that any of her actions in the bankruptcy matter (which she believed were in accord with her duties to her client) would result in any harm to any party involved or burden the court system. She takes full responsibility for her actions and apologizes to the Court for the problems that arose.

Date: September 19, 2017

Respectfully submitted,

EDRIE A. PFEIFFER, ESQUIRE

By Counsel

/s/ Bernard J. DiMuro
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bdimuro@dimuro.com

Counsel for Edrie A. Pfeiffer

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice of such filing to counsel of record that are registered with CM/ECF.

/s/ Bernard J. DiMuro
Bernard J. DiMuro (VSB No. 18784)